

1 DAYLE ELIESON
2 United States Attorney
3 CRISTINA D. SILVA
4 Assistant United States Attorney
5 Nevada Bar No. 13760
501 Las Vegas Blvd. South, Suite 1100
6 Las Vegas, Nevada 89101
PHONE: (702) 388-6336
FAX: (702) 388-5087
cristina.silva@usdoj.gov

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
-oOo-

9 UNITED STATES OF AMERICA,

2:17-mj-00947-PAL

10 Plaintiff,

Stipulation to Continue the
Preliminary Hearing (Fifth
Request)

11 vs.

12 BOBBY THOMPSON and
13 RANDY HUMPHREY,

14 Defendants.

15
16 IT IS HEREBY STIPULATED AND AGREED, by and between DAYLE
17 ELIESON, United States Attorney, and CRISTINA D. SILVA, Assistant United States
18 Attorney, counsel for the United States of America, and Nicholas Wooldridge, Esq.,
19 counsel for Defendant BOBBY THOMPSON, and Dennis Matthew Lay, Esq., counsel for
20 defendant RANDY HUMPHREY, that the preliminary hearing date in the above-
21 captioned matter, currently scheduled for May 4, 2018, at 4:00 pm, be vacated and
22 continued for forty-five (45) days, to a date and time to be set by this Honorable Court.

23 . . .

24 . . .

1 This stipulation is entered into for the following reasons:

2 1. Defendant Humphrey agreed to enter into a formal plea agreement with
3 the United States. However, since making that agreement he has filed a motion for a
4 new attorney. As a result, that issue must be resolved before (and if) a formal change of
5 plea is to take place.

6 2. Defendant Thompson has been presented a written, formal plea agreement.
7 The Defendant and his counsel need additional time to review the plea agreement and
8 its potential implications.

9 3. All parties agree to the continuance.

10 4. The defendants are currently detained pending trial but do not object to a
11 continuance.

12 5. Denial of this request for continuance could result in a miscarriage of
13 justice.

14 6. The additional time requested herein is not sought for purposes of delay,
15 but to allow for Defendant Humphrey to enter his change of plea, and Defendant
16 Thompson to potentially resolve the case pre-indictment.

17 7. The additional time requested by this stipulation, is allowed, with the
18 defendants' consent under the Federal Rules of Procedure 5.1(d).

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20 ...

21 ...

22 ...

23 ...

8. This is the fifth request for a continuation of the preliminary hearing for both Defendants.

DATED this 4th day of May, 2018.

Respectfully submitted,

For the Defendants:

For the United States:

NICHOLAS WOOLRIDGE, ESQ.
Counsel for Defendant - Thompson

DAYLE ELIESON
United States Attorney
//s//
CRISTINA D. SILVA
Assistant United States Attorney

11/8/11
DENNIS MATTHEW LAY, ESQ.
Counsel for Defendant – Humphrey

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

2:17-mj-00947-PAL

Plaintiff,

vs.

ORDER

BOBBY THOMPSON and
RANDY HUMPHREY,

Defendants.

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

This stipulation is entered into for the following reasons:

1. Defendant Humphrey agreed to enter into a formal plea agreement with the United States. However, since making that agreement he has filed a motion for a new attorney. As a result, that issue must be resolved before (and if) a formal change of plea is to take place.

2. Defendant Thompson has been presented a written, formal plea agreement. The Defendant and his counsel need additional time to review the plea agreement and its potential implications.

3 All parties agree to the continuance

4. The defendants are currently detained pending trial but do not object to a continuance

5. Denial of this request for continuance could result in a miscarriage of justice.

6. The additional time requested herein is not sought for purposes of delay, but to allow for Defendant Humphrey to enter his change of plea, and Defendant Thompson to potentially resolve the case pre-indictment.

7. The additional time requested by this stipulation, is allowed, with the defendants' consent under the Federal Rules of Procedure 5.1(d).

8. This is the fifth request for a continuation of the preliminary hearing for both Defendants.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny Defendant Humphrey the opportunity to potentially plea guilty to a pre-indictment plea offer, for Defendant Thompson to potentially resolve the case pre-indictment, and if the case is not resolved pre-indictment, it further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendants' consent, pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for May 4, 2018, at the hour of 4:00 pm, be vacated and continued to June 18, 2018 at the hour of 4:00 p.m.

IT IS FURTHER ORDERED that **NO FURTHER EXTENSIONS WILL BE ALLOWED.**

DATED this 8th day of May, 2018.

THE HONORABLE PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE